



*Origins Council is a California nonprofit education, research and policy advocacy organization dedicated to sustainable rural economic development within cannabis producing regions, and establishing nationally and internationally recognized, legally defensible, standards-based, geographic indication systems for cannabis.*

## **OC Regional Council Government Affairs Program 2022 Policy Platform**

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## **1. ORIGINS COUNCIL**

### Origins Council Mission

Origins Council was founded in 2019 as a California 501c4 nonprofit education, research and policy advocacy organization. Our organization is dedicated to sustainable rural economic development within historic cannabis producing regions, and establishing nationally and internationally recognized, legally defensible, standards-based, geographic indication systems for cannabis.

### Origins Council Vision

Our organization’s vision is for historic cannabis producing regions around the world to drive global sustainable development and regenerative agriculture through the regulated production and research of high quality craft cannabis and herbal medicine products.

Critical to this mission and vision are public policies and programs that protect and promote these regions' legacy cannabis farmers and medicine makers including their genetic, cultural, natural and economic resources.

### OC Regional Council Government Affairs Program

Origins Council defines legacy cannabis producing regions as those rural areas of California that have established prolific small-scale cannabis cultivation and herbal medicine craft over the past

2 decades or longer, and where locally owned, independent small businesses and homestead farms dominate the regulated cannabis sector. These are the communities that Origins Council represents in our policy advocacy.

Our Government Affairs Program utilizes a representative democracy model, whereby OC partners with membership-based, regional trade associations representing the legacy cannabis producing regions of California to collectively form the OC Regional Council. The OC Regional Council governs the policy initiatives of Origins Council and advises on the development of OC's programs and partnerships.

We are proud to be partnered with: Trinity County Agriculture Alliance; Humboldt County Growers Alliance; Mendocino Cannabis Alliance; Sonoma County Growers Association; Nevada County Cannabis Alliance; and Big Sur Farmers Association. These organizations form the 2022 OC Regional Council.

Collectively these associations represent 900 members. Membership includes licensees from all sectors of the regulated supply chain - predominantly small outdoor, greenhouse and mixed light homestead farmers, as well as ancillary businesses and those legacy homestead cannabis farmers that have not yet had an opportunity to license in their region due to ongoing jurisdictional and/or zoning district bans on licensed activity.

Executive level leadership from our Regional Partner organizations serve as the Regional Chairs on the OC Regional Council, which meets weekly with OC staff and advisors to advance our advocacy in the State and Federal Capitals.

## **2. A LEGACY IN CRISIS**

The legacy cannabis farming communities of California are facing unprecedented cultural, economic and ecological threats. The current hostile regulatory and market climate threatens to put a significant number of currently licensed small farms out of business within this next year. There is little incentive for additional legacy farmers to step forward into what is currently an unviable regulated market for small farmers.

### Barriers to Entry

Local bans and the extraordinary cost, complexity and dysfunction of cannabis licensing has locked out the majority of legacy homestead farmers from participating in the regulated market since legalization in 2018. In 2017, California was estimated to have over 60,000 homestead farms producing medical cannabis. Today California has only 2500 licensed legacy farms.

### Licensing Insecurity

The vast majority of these 2500 licensed heritage farms are facing severe licensing insecurity due to the extraordinarily complex, protracted and dysfunctional state/local licensing bureaucracy. Over 70% of licensed cannabis businesses statewide have been operating under temporary "provisional" licenses devoid of any right of due process or appeal, subject to the discretionary determinations of over a dozen agencies, with ever-changing, ever-moving compliance goal posts. Many regulating jurisdictions have closed local programs to new applicants due to the burden local permitting is putting upon local agencies.

In 2021 the Newsom Administration allocated \$100 million dollars in the 2021-2022 state budget to fund California's Local Assistance Grant Program, an effort to triage the extraordinary challenges facing rural jurisdiction struggling to permit outdoor cannabis farms under the state's environmental mandates. These funds have not yet been disbursed, and so the efficacy of the program to meaningfully assist local jurisdictions and permittees is yet to be ascertained.

The emotional and financial cost of licensing cannabis cultivation has surpassed any measure of reasonable or fair for any businesses, least of all for our legacy farming communities, who have been disproportionately impacted by the War on Drugs for the past several decades. Our communities are currently experiencing significant, widespread duress and in some cases trauma due to their experiences in struggling to license and permit their business.

### Oversupply and Industry Consolidation

In 2021, California is estimated to have produced approximately 8.5 million pounds of regulated cannabis to supply a state-estimated maximum annual demand of 2.5 million pounds of cannabis, statewide. This over-supply and resulting market glut is driving the wholesale price for regulated cannabis below thresholds of the cost of production for small farmers, driving down quality and threatening the viability of the entire statewide industry.

State law for legalization promised the legacy small farming communities a 5 year market head start against California large scale commodity production, through capping maximum farm production to an acre or less until 2023 in Proposition 64. The concept was also included as a 4 acre cap per farm in the Medical Cannabis Regulation and Safety Act, which passed into law prior to Proposition 64. The promise was intended to be an opportunity to transition small, homestead medical cannabis farms into licensing, to establish the foundation for a craft cannabis market and to advance sustainable agriculture. Unfortunately, the historic producing communities of California were disenfranchised from the outset of implementing legalization, with the state immediately licensing large farms through sanctioning the stacking of small cultivation licenses.

California has roughly 8000 active cultivation licenses representing roughly 3500 independent licensed farms, and around 2500 of these farms are legacy farms producing under an acre of cannabis, most producing under a quarter acre of cannabis. The Department of Cannabis Control informed us recently that they have received over 5000 applications for cultivation licenses in 2021, representing predominantly expanding or new large-scale cultivation projects popping up throughout many of the traditional commercial agricultural lands of the state. The current market glut we are experiencing is the tip of the California oversupply iceberg, and is rapidly driving industry consolidation.

Legacy farm landholdings are being put up for sale at an alarming rate, forewarning of a mass cultural exodus of multi-generational small land holders, opening up these communities to a sea-change of development and hastening consolidation within these local cannabis industries.

### Entitlement Taxation

California producers pay a [flat rate of \\$161 per pound state cultivation tax](#). The oversupply that poured into the 2021 summer light deprivation market, compounded by the 2021 fall harvest has driven the wholesale prices for cannabis to historic lows, currently bottoming out at \$250 per pound for A grade flower, averaging \$400 per pound.

However, this ramping up of license-stacked large scale production has magnified cultivation tax revenue for the state.

Many small farmers were unable to sell some portion or all of their 2020 harvest, which as a perishable product is now a total loss. Small farmers cannot endure a Ca tax rate of 40-50% or more of the wholesale value of their product, they cannot even recover the cost of production at this rate.

### Obstacles to Consumer Access, the Loss of Medical Cannabis Products and Genetics

As with cultivation, the legalization vehicles for California cannabis created severe barriers to entry for licensing retail, undermining consumer access and stunting the retail growth of the state siloed industry. There are currently only 1400 licensed cannabis retailers to serve a statewide population of nearly 40 million, with annual visitors to California numbering around 200 million on average.

California legalization offered no pathway for farmer direct sales to manufacturers, retailers or consumers, aside from costly multi-license vertical integration, difficult to achieve under rural land use zoning requirements, impossible to afford for modestly resourced aspiring small business entrepreneurs.

This unfortunate regulatory framework abruptly severed a thriving network of small craft farmers, manufacturers, retailers and medical cannabis patients, forged over two decades of California medical cannabis laws. As a result, innumerable pioneering, grass roots medical cannabis brands, products, herbal medicine formulas and genetic resources have been lost forever.

Many of these resources are being stewarded by the back-to-the-land elders in our community, the founders of California legacy cannabis. This generation will be passing on in great numbers over the next decade, and we fear much of their knowledge, their genetic resources and their place-based values will die with them, given the present circumstances.

### Climate Change

California's current drought conditions are the most extreme ever seen over the entire 126 year historic record. The multi-year drought is threatening water supply, food and cannabis production and electricity generation. It has drained reservoirs at incredible rates and fueled successive years of the most extreme wildfire seasons the legacy cannabis farming regions have ever experienced.

Every single legacy producing region in California has been significantly impacted by wildfires over the past 3 years, many regions successively over multiple years. California and the Nation watched in shock as a 1000 acre wildfire erupted on the Coast of Big Sur this January, prompting the evacuation of dozens of our members. Fire season in California is now 365 days a year.

### Illicit Market

Contrary to the intent and expectation of legalization, barriers to licensing have caused a proliferation of illicit production within rural California, which is a serious threat to public health and safety as well as the environment, particularly during this severe drought.

Enduring illicit production and all of the associated problems entrenches the drug war mentality within local communities. This makes for a very challenging local environment for policy makers, regulated operators and those seeking to open local regulatory pathways for commercial cannabis - most especially legacy farmers.

Limited consumer access to regulated cannabis and extraordinarily high tax rates are driving consumers to the illicit market, undermining the sales and tax revenue of regulated cannabis. California voted to legalize cannabis and consumers and patients have a right to readily access safe, regulated cannabis products.

### **3. 2022 OC POLICY PLATFORM**

Origins Council's policy platform for 2022 prioritizes objectives which have the potential to mitigate the anticipated catastrophic loss of California's licensed cannabis businesses. In particular, we seek to protect the licensed homestead cannabis farms and small cannabis businesses at risk in our regions due to the current hostile regulatory and market conditions. We also seek to create future pathways for lowering barriers to entry for small farms licensing in legacy producing regions.

Our 2022 advocacy will seek to contextualize the hardships facing our membership as a small business crisis, in an effort to frame these issues to policy makers and the public in a way they may more easily relate to, and more readily act upon. The United States will not see meaningful restorative justice for the communities who have been most impacted by the War on Drugs if the regulated cannabis industry is entirely out of reach or unsustainable for modestly resourced, independent small businesses interested in participating, as is currently this case in California.

The communities we represent advanced globally impactful cannabis policy reforms and drove the creation of a multi-billion dollar craft cannabis industry - all under the duress of the War on Drugs. These accomplishments were born from the dual California legacies of the medical cannabis compassion movement and the back-to-the-lander movement. Our 2022 policy platform seeks to honor these historic movements, to preserve and protect these cultural, genetic and environmental resources and to expand consumer and patient access to our legacy producers' world-renowned craft products.

Finally, our 2022 policy platform seeks to further the movement to recognize commercial cannabis as an agricultural crop in state and Federal law and to recognize cannabis growers as farmers, entitled to the same economic opportunities and legal protections provided to all other American farmers.

### **4. CA LEGISLATIVE AFFAIRS**

#### **Cannabis Tax Reform**

- **ELIMINATION OF THE CULTIVATION TAX:** Origins Council is advocating to eliminate the flat-rate cultivation tax (currently \$161.28/pound for flower, \$48/pound for leaves). Origins Council does not support a cultivation/harvest tax levied against wholesale producers. No other commercial agricultural crop in the United States has such a tax levied against farmers. It is our position that a harvest tax is a prohibition-based



entitlement tax that is levied against cannabis because the State of California and the United States do not legally recognize cannabis as an agricultural crop.

- LEGAL CONSTRAINTS OF PROPOSITION 64: The [California Office of Legislative Counsel](#) is currently working to determine if the legal constraints of the cannabis tax structure having been enacted in Proposition 64 will allow for the elimination of the flat rate cultivation tax and/or reduction of the excise tax.
- SUSPENSION OF THE CULTIVATION TAX: If elimination is not legally possible, Origins Council will advocate to suspend the cultivation tax for as long as possible.
- DECLINING TAX REVENUE: The 2021 oversupply of regulated cannabis and ongoing market access issues that are contributing to the current collapse of the wholesale market for cannabis are having widespread impacts across the regulated supply chain. If urgent, comprehensive intervention is not pursued or not successful, we may see a significant reduction of state tax revenue as a result of licensees going out of business in 2022.
- EXCISE TAX REDUCTION: Numerous cannabis stakeholder groups are advocating for a reduction of the state cannabis excise tax. Origins Council supports this in concept.
- ELIMINATING THE EXCISE TAX FOR QUALIFIED EQUITY RETAILERS: Numerous cannabis stakeholder groups are advocating for an elimination of the state cannabis excise tax for qualified equity retailers. Origins Council supports this in concept.
- REVENUE NEUTRALITY: Successive years of advocacy to eliminate the state's flat rate cannabis cultivation tax, and successive years of legislative proposals to reduce the state's cannabis excise tax have been consistently met with formidable opposition on the part of non-cannabis stakeholder groups invested in protecting state cannabis tax funding for social and environmental programs. What has emerged from this is the proposal for a revenue-neutral approach to state cannabis tax reform.
- Below are several approaches to achieve revenue neutrality if determined to be absolutely necessary to eliminate or suspend the cultivation tax.
  - A proportional increase to the state cannabis excise tax (currently 15%) to offset any revenue loss from eliminating the cultivation tax. Based on historical tax data, revenue neutral cultivation tax elimination would amount to a ~3% increase to the excise tax. This approach is currently facing considerable opposition from the industry, in particular retail.
  - Expanded tax revenue resulting from legislative market expansion measures to offset any revenue loss from eliminating the cultivation tax. The Governor's Budget Proposal released January 10th, 2022 highlights market expansion as a priority for the Administration. The Governor alluded to a grant program to support those efforts as it relates to opening up retail moving forward.
  - A new tax on hemp or hemp-derived products to offset any revenue loss from eliminating the cultivation tax. [AB 45 \(Aguiar Curry 2021\)](#) stipulates that the manufacture or sale of hemp-derived inhalable products is prohibited in California until being repealed when the Legislature establishes a tax on inhalable products. Assemblymember Aguiar Curry has introduced [AB 1656](#), a hemp spot bill that does not yet contain any policy proposals.

- **TIERED CULTIVATION TAX RATES:** Some cannabis stakeholder groups have suggested that the flat rate cultivation tax be replaced by a percentage based tax rate that is tiered based upon sales volume, or production volume brought to market, offering tax benefits to smaller producers. Origins Council is open to considering this approach.
- **TAX CREDITS:** Stakeholder groups are exploring tax credits to achieve tax relief. Origins Council is open to considering this approach.
- Senator Mike McGuire, representing the California 2nd Senate District, which encompasses the North Coast region, home to 2/3 of Origins Council’s membership, and over 2/3 of licensed cannabis farms in the state, has introduced [SB 1074](#) this year. This bill proposes to eliminate the state cannabis cultivation tax and provide overall tax relief for the cannabis industry.

### Producer Direct to Consumer Sales at Events

- Origins Council is advocating to establish a temporary event retailer license in statute that authorizes small businesses licensed for cannabis cultivation and/or manufacturing activities to sell their own tested final form products directly to consumers at locally authorized temporary events.
- Assemblymember Jim Wood, representing the California 2nd Assembly District, which encompasses the North Coast region, home to 2/3 of Origins Council’s membership, and over 2/3 of licensed cannabis farms in the state, has introduced [AB 2691](#) this year. This bill proposes to authorize producer direct to consumer sales at up to 12 temporary cannabis events per year, for producers cultivating an acre or less of cannabis. This bill is framed off of [AB 2641](#), which was introduced by Assemblymember Wood in 2018.

### Interstate Commerce & Compacts

- Senator Caballero (District 12) has introduced [SB-1326](#). This bill would authorize the Governor of California to enter into interstate compact agreements with the Governors of other legalized states to authorize the interstate sale of cannabis between states entering into compacts. We understand this proposal to be based on Oregon’s [SB 582](#) passed into law in 2019.
- Origins Council has been tracking this issue since 2019, when this legislative proposal was first being discussed in California. In 2020, Origins Council Executive Director Genine Coleman joined the Board of Directors of the [Alliance for Sensible Markets](#) which was founded in 2019 by Adam Smith, cannabis policy advocate behind Oregon’s SB 582 effort. ASM formed in order to pursue partnerships and collaborate on strategy with other legalized states interested in pursuing policy reforms to authorize interstate sales of cannabis.
- Origins Council will track and engage on this legislation on behalf of the interests of the collective membership of the OC Regional Partners as directed by the OC Regional Council, in accordance with the intent language in the 2022 OC Policy Platform, and in accordance with the mission and vision of Origins Council. Origins Council will advocate to ensure that any interstate commerce policy opens up additional opportunity for producers, and does not exacerbate the current California oversupply crisis.



## Small Farms Ministerial Licensing Program

- [2.10.22 OC Ministerial Small Farms Licensing Program - Legislative Proposal](#)
- Premised entirely upon the [2021 OC CEQA Report](#) and policy recommendations, Origins Council is advocating for the state to fund and conduct an assessment for establishing a statewide ministerial licensing program for historic small cannabis farm sites that are suitable for licensed small scale commercial cultivation.

As a part of the assessment, we propose that the state contemplate facilitating stakeholder input into minimum environmental and development standards and the development of a ministerial ordinance template to inform comprehensive environmental impact reviews and the development of environmental standards and model ordinances for each of the state's ten bio-regions.

The DCC would be directed to develop a special state ministerial license for the program. Local jurisdictions could opt into the program, relying on the bio-regional EIRs and model ordinances to develop a local ministerial permitting program.

## Hemp

- **ADVOCATE FOR COMMERCIAL CANNABIS TO BE LEGALLY RECOGNIZED AS AN AGRICULTURAL CROP BY THE STATE OF CALIFORNIA.**
- The conflict between the enduring Schedule 1 status of cannabis under The Controlled Substance Act, while commercial hemp is recognized as an agricultural crop under the 2018 Farm Act, is fraught with negative policy and market impacts, undermining the effective and equitable regulated production and sales of both hemp and cannabis products.
- Last year, [AB 45 \(Aguiar Curry 2021\)](#) was signed into law, authorizing the regulation and inclusion of hemp derived ingredients in manufactured products. The law directs the Department of Cannabis Control to prepare a report to the Governor and the Legislature outlining the steps necessary for the incorporation of hemp products into the cannabis supply chain. The report must be submitted by July 1, 2022. Below are our comments to the author pursuant to the legislature passing the bill.
  - [AB 45 \(Aguiar-Curry\) - Origins Council Letter - As Amended September 7, 2021](#)
- **TAX ON INHALABLE HEMP DERIVED PRODUCTS:** This tax was contemplated in AB 45. Origins Council is advocating to ensure that legislation creating this tax establishes this as a retail tax, not a production tax, for the reasons previously stated above in under the cannabis tax reform objective. Origins Council is interested in exploring whether this tax can be broadened to a hemp derived product tax that supports a cannabis tax reduction.
- **CANNABIS & HEMP DERIVED PRODUCT TESTING PARITY:** Origins Council is advocating for final form product testing, testing parity between hemp and cannabis produced and manufactured for human consumption. Additionally, we are advocating for the retention of California testing standards upon Federal regulation.
- **INVERSION OF SYNTHETIC THC INTO THE CANNABIS SUPPLY CHAIN - AB 45** requires the DCC to develop a report by July 1, 2022, on the inclusion of hemp into the

cannabis supply chain. Additionally, the hemp spot bill introduced by Assemblymember Aguiar Curry would address the inclusion of hemp into the cannabis supply chain. In other states, such as Washington, allowing hemp to be incorporated into the cannabis supply chain has led to manufacturers synthetically converting hemp CBD into delta-9 THC and other cannabinoids for inclusion into manufactured products. Origins Council is opposed to the synthetic inversion of delta-9 THC, or other THC analogues, into the cannabis supply chain which are not sourced from the cannabis plant as part of the regulated cannabis supply chain.

- Assemblymember Aguiar Curry has introduced [AB 1656](#), a hemp spot bill that does not yet contain any policy proposals, though we anticipate it will introduce a tax structure for inhalable hemp-derived products.

### Other Legislation

The last day for new bill introduction for the California legislature was February 18th, 2022. In addition, many legislators have introduced spot bills, or may gut and amend other bills to accommodate policy proposals after the bill introduction deadline. Origins Council will track all cannabis legislation and engage as needed, to be determined by the OC Regional Council within the considerations of our 2022 Policy Platform and identified priorities, and as organizational resources permit.

## **5. CA REGULATORY AFFAIRS**

### Department of Cannabis Control

The newly established Department of Cannabis Control is preparing to undertake a comprehensive rulemaking effort to streamline and simplify regulations and enact reforms that will improve the viability of the regulated industry, including a specific focus on small farmers. Linked below is our 2022 Regulatory Platform which contains our recommendations to the Department of Cannabis Control to consider leading up to this anticipated rulemaking.

- [February 18th, 2022 OCRC Regulatory Platform](#)

FALLOWING: In 2021, plummeting wholesale prices for cannabis have led to crisis conditions for small cannabis cultivators in the regions we represent. At the same time, drought and fire emergencies have created situations where farmers are either incentivized or required to cut back on their cultivation.

In other sectors of agriculture, farmers commonly adjust their production in response to market and environmental conditions, cutting back during periods of oversupply (“fallowing”) and expanding in periods of undersupply. Under current state regulatory procedures, however, fallowing is currently not possible for cannabis farmers. Current procedures require cannabis farmers to either renew their state license each year and pay an annual licensing fee, or to forfeit their license and reapply from square one at a future date.

The effect of this process is to effectively require farmers to grow their full square footage each year, or permanently forfeit their license – regardless of market or environmental conditions that would otherwise lead farmers to cut back. For this reason, we request that the DCC provide

a mechanism that enables cannabis cultivators to fallow their crops year-to-year by choosing to mark one or more licenses as inactive prior to a growing season.

- [Position Paper: 2.10.22 OC 2022 Fallowing Policy for Cannabis Farms](#)

ADDITIONAL REGULATORY ISSUES: In developing our 2022 Regulatory Platform, Origins Council has identified additional priority areas that will require further analysis and stakeholder engagement in order to to develop recommendations. We will work to develop these recommendations over 2022.

- DCC licensing processing delays
- Type 5 cultivation licensing
- Type S shared manufacturing licensing
- Designation of origin (County, City, Appellation of Origin) labeling regulations

### CDFA Cannabis Appellations Program

- DEVELOPMENT & LAUNCH OF CAP: Origins Council is engaged with CDFA's Office of Environmental Farming and Innovation regarding the programmatic development and launch of the Cannabis Appellations Program.
- We are working to support the integrity and success of the program by advocating that the agency has sufficient expertise in place ahead of the launch of the program to support the scientific review of petitions, as well as advocating that the agency conduct stakeholder outreach and education efforts leading up to the launch of the program.
- DCC CAP REGULATIONS: The first several iterations of the Cannabis Appellation Program regulations proposed by CDFA included regulations related to topics including labeling standards for appellation cannabis, enforcement provisions, and provisions related to the relationship between trademarks and appellation designations. On June 3, 2021, these regulations were struck from CDFA regulation due to impending agency consolidation, with the intent to later re-promulgate these regulations under the DCC.
- As originally expressed in our comments to CDFA, we support the original wording of the regulations which were struck on June 3, many of which are essential to the integrity of the appellation program. We request that these regulations are re-promulgated in full in this upcoming DCC rulemaking period.

### CDPH Hemp Regulations

Pursuant to the passage of [AB 45 \(Aguiar Curry 2021\)](#), Origins Council has submitted the following recommendations to CDPH regarding the anticipated promulgation of hemp regulations: [12.22.21 OC Hemp Regulations DPH Letter](#).

### Board of Forestry Fire Safe Road Regulations

Analyze the proposed regulations for impacts to legacy producing regions and prepare public comment as necessary. Advocate for parity between commercial cannabis cultivation and other commercial agriculture within these proposed regulations. Work to engage in coalition with aligned stakeholder organizations.

## **6. CANNABIS GRANTS & STATE FUNDED PROGRAMS**

Origins Council will engage with academics, local and state government agencies and our membership to track, monitor and advocate as necessary regarding state-funded local cannabis grant programs and their impact within our communities.

- [Local Assistance Grant Programs](#)
- [State & Local Equity Grant Programs](#)
- [CDFW Qualified Cultivator Grant Program](#)
- [CDEFA Sustainably Grown Cannabis Pilot Program](#)

Additionally, we will advocate for legal cannabis businesses to have access to all of California's state funded programs that are applicable to other agriculture, cottage industry and small businesses.

- [GoBiz Grant Programs](#)
- [CA Fair Plan](#)

## **7. FEDERAL POLICY**

### [Craft Cannabis Producer Federal Platform](#)

Origins Council will work with our U.S. Congress members to research and track federal cannabis legislative efforts and opportunities, and to scope the development of a federal craft cannabis producer platform.

### [Interstate Commerce & Compacts](#)

See "Interstate Commerce & Compacts" above under item 4. CA Legislative Affairs

### [US Craft Cannabis Producers Coalition](#)

Cooperate with values/membership aligned craft cannabis producer associations across the United States to build coalition, identify shared state and federal policy objectives, and explore developing and pursuing coalition policy platforms.